

Message Text

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ACTION NEA-10

INFO OCT-01 ISO-00 SCS-06 L-03 CA-01 HA-05 H-01 PPT-01
VO-05 SP-02 EB-08 PA-01 CPR-01 INR-10 /055 W
-----083849 120828Z /15
P R 120736Z MAR 78
FM AMEMBASSY JIDDA
TO SECSTATE WASHDC PRIORITY 1352
INFO AMCONSUL DHAHRAN
USLO RIYADH

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E.O. 11652: N/A
TAGS: CGEN, PDIP, SA, US
SUBJECT: CONSULAR CONVENTION

REF: (A) STATE 054151 (B) JIDDA 1143 (C) JIDDA 1159

1. AFTER RECEIPT OF DRAFT CONSULAR CONVENTION ON 14 FEBRUARY, EMBASSY CABLED CONGEN DHAHRAN AND USLO RIYADH SETTING FORTH OUR VIEWS AND COMMENTS AND SOLICITING THEIRS.

2. WE NOTED CLOSE PARALLEL, IN CHANGED FORMAT, TO VIENNA CONVENTION ON CONSULAR RELATIONS, TO WHICH, OF COURSE, SAUDI ARABIA IS NOT SIGNATORY. WE SAID: "WHILE STRENGTHENING OUR HAND IN SOME PROBLEM AREAS, PROPOSED CONVENTION DOES NOT AND PROBABLY CANNOT, OFFER POTENTIAL RELIEF IN OTHER MATTERS OF GREAT CONCERN TO US". EMBASSY THEN SPELLED OUT SOME SPECIFIC CHANGES FOR CONSIDERATION, REPEATED BELOW:

A. MARGINAL NUMBERS IN FOLLOWING PARAGRAPHS REFER TO ARTICLE AND PARAGRAPH IN DRAFT.

1(I) LAST PHRASE READS, "WHICH IS SEPRATE FROM THE DIPLOMIATC MISSION". WE SUGGEST SUBSTITUTING WORDS, "OR IS THE DESIGNATED CONSULAR SECTION OF THE DIPLOMATIC MISSION". COMMENT: ARTICLE
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46 OF DRAFT ADDRESSES THIS PROBLEM, PRIMARILY TO PROTECT DIPLOMATIC RIGHTS OF MISSION STAFF DOING CONSULAR WORK. WE THINK SPECIFIC MENTION IN "DEFINITION OF CONSULATE" IS STILL APPROPRIATE.

1(II) DEFINITION OF "AIRCRAFT" EXCLUDES "MILITARY AIRCRAFT". COMMENT: WE ARE CONCERNED THAT THERE ARE CIRCUMSTANCES WHEN WE SOULD WANT DIPLOMATIC

AND CONSULAR IMMUNITIES AND COURTESIES EXTENDED
MILITARY AIRCRAFT (FOR INSTANCE TRANSPORTING THE
AMBASSADOR, OTHER OFFICERS, DIPLOMATIC POUCHES,
USG PROPERTY, ETC.). PERHAPS CONCEPT OF "UNARMED
MILITARY AIRCRAFT" COULD BE INCORPORATED.

39(5)- SUGGEST NEXT TO LAST SENTENCE READ, "THE FIRST
VISIT SHALL TAKE PLACE, ETC". LAST SENTENCE READ,
"SUBSEQUENT VISITS MAY BE MADE ON A RECURRING
BASIS, AT REASONABLE FREQUENCY". COMMENT:
SUGGESTING "AT LEAST ONCE A MONTH" COULD TIE
OUR HANDS ESPECIALLY IN EARLY DAYS OF INTERROGATION,
PREPARATION FOR HEARINGS, ETC., VERY FREQUENT
MEETINGS MIGHT BE NECESSARY.

39(6)- ADD AFTER "PROCEEDINGS" --- "ACCOMPANIED BY AN
INTERPRETER SHOULD THE CONSULAR OFFICER DEEM
THIS NECESSARY".

39(7)- AMEND TO READ "---PARCELS CONTAINING GOODS FOR
HIS PERSONAL USE SUCH AS FOOD, ETC".

39(9)- THIS SEEMS TO SEEK PRIVILEGES FOR DUAL NATIONAL
NOT NECESSARILY ACCORDED TO STRAIGHT AMCIT. LAST
SENTENCE ON "LEAVE::: WITHOUT FURTHER DOCUMENTATION"
MAY MEAN ON BASIS OF SENDING COUNTRY PASSPORT, BUT
MIGHT SEEM TO ASK WAIVING OF SAUDI EXIT VISA
REGULATIONS (WHICH WE WOULD FAVOR FOR ALL, BUT
ARE NOT LIKELY TO GET).

41(2)- STRIKE "IF PERMITTED BY THE LAW OF THE RECEIVING
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STATE". SUCH PHRASE IS NOT IN 39-6 AND SHOULD NOT
BE HERE. IF THERE IS A "LOCAL LAW" PROBLEM, WE
SHOULD NEGOTIATE TO CIRCUMVENT. ALSO RIGHT TO HAVE
INTERPRETER IS NEEDED.

43 AND 44 - ARTICLE ALSO NEEDED TO PROTECT SHIPS
(ESPECIALLY PRIVATE YACHTS) AND AIRCRAFT AGAINST CHARGES
OF ILLEGAL ENTRY WHEN FORCED INTO TERRITORIAL WATERS OR
MEDICAL EMERGENCY WHEN VESSEL, AIRCRAFT OR CREW ARE
WITHOUT VISAS OR OTHERWISE NOT PROPERLY DOCUMENTED FOR
ENTRY. IMMEDIATE NOTIFICATION TO CONSUL, CONSULAR ACCESS
AND ASSISTANCE SHOULD BE AGREED.

45(3)- PASSAGE "NOT... INTERFEREC IN THE INTERNAL AFFAIRS
OF THE RECEIVING STATE "SHOULD HAVE CAVEAT THAT NORMAL
PURSUIT OF CONSULAR ACTIVITIES IN PROTECTION CASES (ARREST,
TRIAL, ETC.) IS NOT TO BE CONSTRUED AS INTERFERENCE.

3. WE ARE REPEATING DHAHRAN'S 0303 IN WHICH CONGEN SUBMITTED
ITS VIEWS. BOTH THIS CABLE AND TEXT QUOTED ABOVE WERE
DISCUSSED BY CONSULAR COORDINATOR WITH PRINCIPAL
OFFICER USLO WHO CONCURS IN BOTH.
WILEY

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Message Attributes

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